

DEPARTMENT OF THE ARMY
Headquarters, 1st Battalion, 43d Air Defense Artillery (AMD)
Unit 15692
APO, AP 96275

EAAD-AAZ

08 February 2007

MEMORANDUM FOR All 1-43d Air Defense Artillery Battalion Assigned Soldiers and Civilians

SUBJECT: Command Policy #13, Limitation on Exercise of Authority

1. References.

a. 19th ESC Command Policy Letter #37, Limitation on Exercise of Authority; Areas III and IV, 08 September 2003.

b. 35th ADA Brigade Command Policy #13, Limitation of Exercise of Authority, 10 February 2006

2. Purpose: To delineate and clarify the exercise of UCMJ authority.

3. Policy.

a. The following is withheld to the Commanding General 19th ESC.

(1) Non-judicial punishment under Article 15, UCMJ and to issue administrative reprimands for acts of misconduct involving, commission officers, warrant officers, sergeants major, first sergeants, master sergeants and sergeants first class serving as a 1SG.

(2) Approval of relief for cause for cause action on all master sergeants and above. Subordinate commanders may temporarily suspend from assigned duties pending investigation, IAW AR 623-205.

b. The following is withheld to the Commander, 35th ADA Brigade.

(1) Non-judicial punishment under Article 15, UCMJ and to issue administrative reprimands for acts of misconduct involving sergeants first class.

(2) Non-judicial punishment under Article 15, UCMJ and to issue administrative reprimands for acts of misconduct involving noncommissioned officers in the grade of sergeant and staff sergeant for the following offenses: Off-post offenses; Sexual harassment and fraternization; All drug offenses and all offenses committed under the influence of alcohol; Spousal abuse; and Incidents involving weapons, as defined in USFK Regulations 27-5.

(3) Non-judicial punishment under Article 15, UCMJ and to issue administrative reprimands for any soldier regardless of rank for all allegations of assault, to include sexual assault.

c. The following is withheld to the Commander, 1-43 ADA Battalion.

(1) Non-judicial punishment under Article 15, UCMJ and to issue administrative reprimands for acts of misconduct by soldiers in the grade of E4 and below for the following offenses: Off-post offenses; Sexual harassment and fraternization; All drug offenses and all offenses committed under the influence of alcohol; Spousal abuse; and Incidents involving weapons, as defined in USFK Regulations 27-5.

(2) Non-judicial punishment under Article 15, UCMJ and to issue administrative reprimands for any soldier regardless of rank for all allegations of disrespect to a commissioned officer, warrant officer or senior non-commissioned officer, (Sergeant First Class and above), for soldiers in the rank of staff sergeant and below.

4. Procedures

a. Suspected offenses will be promptly investigated. Investigation of minor offenses (AWOL, failure to repair, simple assaults, etc.) is the responsibility of the suspect's immediate commander. Military Police Investigators (MPI) and Criminal Investigations Division (CID) agents will assist in the investigation of more serious offenses. Commanders should take appropriate action when sufficient facts are known, even if a final MP or CID report has not been received.

b. For cases where authority is withheld to a certain level of commander and a lower commander believes that non-judicial punishment or an administrative reprimand is appropriate, that commander will expeditiously forward all available evidence through intermediate commanders, to the appropriate commander with recommendations as to disposition of the case. The brigade trial counsel will assist you in this process.

c. Subordinate commanders may request a specific case be returned to them for appropriate actions. Such requests will be considered and the decision whether to return the case will be made on a case-by-case basis.

d. This limitation on exercise of authority does not affect the authority of subordinate commanders to initiate and process administrative separation actions, to discuss relief, or to prefer and/or forward court-martial charges.

5. Final Guidance

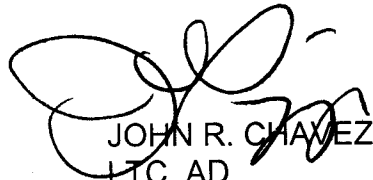
a. Commanders at all levels are required by law to provide their honest and independent recommendation on how misconduct should be addressed. Nothing in this policy should be interpreted to indicate that allegations must be disposed of in a

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particular manner; that predetermined types or amounts of punishments are appropriate; or that adverse action is required in all cases or a particular case.

b. The Brigade Judge Advocate is responsible for advising commanders on this policy and preparing the necessary documents to implement commanders' recommendations and decisions in accordance with this policy.



JOHN R. CHAVEZ
LTC, AD
Commanding